

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(211)

CRM-M-38126-2015

Decided on: January 11, 2016.

Joginder Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, Addl. A.G., Haryana.

Mr. Sunil Bhardwaj, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Karambir alleging that the petitioner had duped him of a sum of Rs.12.5 lacs on the pretext of sending him to France on work permit. Petitioner had allegedly issued Visa in the name of the complainant which was found to be forged. The petitioner had refused to return money to the complainant.

Learned counsel for the complainant has intervened to oppose application for bail.

It has been informed that the petitioner has earlier been convicted in proceedings under Section 138 of the Negotiable Instruments Act in a complaint filed by Suresh Kumar.

On asking of the Court, learned counsel for the complainant has not been able to show any receipt regarding payment of such a huge amount to the petitioner. He has stated that statement of Sunil Kumar under

Section 161 Cr.P.C has been recorded stating that in his presence the money had been paid. So far as source of money, he allegedly took loan in the month of February, 2013 from his family members. The amount of Rs.12.5 lacs is alleged to have been paid to the petitioner in November, 2014, about one and half years after the loan.

Investigating officer has not been able to refer to any forged Visa which had allegedly been handed over to the complainant by the petitioner.

Taking into consideration the nature of the evidence which has been gathered against the petitioner and the fact that the petitioner has joined investigation, the petitioner can be granted concession of pre-arrest bail as there appears to be a controversy regarding money transactions between the complainant and the petitioner.

Petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required, he will not leave India without the permission of the Court and he will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

January 11, 2016
harsha